



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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Matthew J. Strickler
Secretary of Natural Resources

David K. Paylor
Director

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STATE WATER CONTROL BOARD ENFORCEMENT ACTION - ORDER BY CONSENT ISSUED TO 6801 WOOLRIDGE ROAD – MOSELEY LP FOR MAGNOLIA GREEN Permit No. 06-2748

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code § 62.1-44.15, between the State Water Control Board and 6801 Woolridge Road – Moseley LP, regarding the Magnolia Green, for the purpose of resolving certain violations of State Water Control Law and the applicable permit and regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. “Board” means the State Water Control Board, a permanent citizens’ board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and 62.1-44.7.
2. “Department” or “DEQ” means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.
3. “Director” means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
4. “Discharge” means, when used without qualification, a discharge of a pollutant, or any addition of a pollutant or combination of pollutants, to state waters or waters of the contiguous zone or ocean other than a discharge from a vessel or other floating craft when being used as a means of transportation.

5. "Dredging" means a form of excavation in which material is removed or relocated from beneath surface waters.
6. "Excavate" or "excavation" means ditching, dredging, or mechanized removal of earth, soil, or rock.
7. "Fill" means replacing portions of surface water with upland, or changing the bottom elevation of surface water for any purpose, by placement of any pollutant or material including but not limited to rock, sand, earth, and man-made materials and debris. 9 VAC 25-210-10.
8. "Fill Material" means any pollutant which replaces portions of surface water with dry land or which changes the bottom elevation of a surface water for any purpose. 9 VAC 25-210-10.
9. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 62.1-44.15.
10. "Order" means this document, also known as a "Consent Order" or "Order by Consent," a type of Special Order under the State Water Control Law.
11. "Permit" means VWP permit number 06-2748 issued by DEQ to WRMLP on December 10, 2007 under Va. Code §62.1-44.15:20 that authorizes activities otherwise unlawful under Va. Code §62.1-44.5 or otherwise serves as the Commonwealth's certification under §401 of the Clean Water Act (33 United States Code (USC) §1344.
12. "Pollutant" means any substance, radioactive material, or heat which causes or contributes to, or may cause or contribute to pollution. 9 VAC 25-210-10.
13. "Pollution" means such alteration of the physical, chemical or biological properties of any state waters as will or is likely to create a nuisance or render such waters: (i) harmful or detrimental or injurious to the public health, safety or welfare, or to the health of animals, fish or aquatic life; (ii) unsuitable with reasonable treatment for use as present or possible future sources of public water supply; or (iii) unsuitable for recreational, commercial, industrial, agricultural, or other reasonable uses; provided that (a) an alteration of the physical, chemical, or biological property of state waters, or a discharge or deposit of sewage, industrial wastes or other wastes to state waters by any owner which by itself is not sufficient to cause pollution, but which, in combination with such alteration of or discharge or deposit to state waters by other owners is sufficient to cause pollution; (b) the discharge of untreated sewage by any owner into state waters; and (c) contributing to the contravention of standards of water quality duly established by the board, are "pollution." Va. Code § 62.1-44.3; 9 VAC 25-210-10.
14. "Property" or "Parcel" means the tract of land known as Magnolia Green Development located north of U.S. Route 360 (Hull Street Road) and west of State Route 667 (Otterdale Road) in Chesterfield County.

15. “PRO” means the Piedmont Regional Office of DEQ, located in Glen Allen, Virginia.
16. “Regulations” means the VWP Permit Program Regulations, 9 VAC 25-210 *et seq.*
17. “Significant alteration or degradation of existing wetland acreage or function” means human-induced activities that cause either a diminution of the areal extent of the existing wetland or cause a change in wetland community type resulting in the loss or more than minimal degradation of its existing ecological functions. 9 VAC 25-210-10.
18. “State Water Control Law” means Chapter 3.1 (§ 62.1-44.2 *et seq.*) of Title 62.1 of the Va. Code. Article 2.2 (Va. Code §§ 62.1-44.15:20 through 62.1-44.15:23) of the State Water Control Law addresses the Virginia Water Resources and Wetlands Protection Program.
19. “State waters” means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands. Va. Code § 62.1-44.3 and 9 VAC 25-210-10.
20. “Surface water” means all state waters that are not ground waters as defined in Va. Code § 62.1-255.
21. “USACE” means the United States Army Corps of Engineers.
22. “USM” means unified stream methodology.
23. “Va. Code” means the Code of Virginia (1950), as amended.
24. “VAC” means the Virginia Administrative Code.
25. “VWPP” or “Virginia Water Protection Permit” means an individual or general permit issued under Va. Code § 62.1-44.15:20 that authorizes activities otherwise unlawful under Va. Code § 62.1-44.5 or otherwise serves as the Commonwealth's certification under § 401 of the federal Clean Water Act (33 United States Code (“USC”) § 1344).
26. “Wetlands” means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. 9 VAC 25-210-10.
27. “WRMLP” means 6801 Woolridge Road – Moseley LP a partnership and its affiliates, partners, and subsidiaries. WRMLP is a “person” within the meaning of Va. Code § 62.1-44.3

SECTION C: Findings of Fact and Conclusions of Law

1. WRMLP owns and is developing the Property in Chesterfield County, Virginia. On December 10, 2007, DEQ issued permit VWP permit 06-2748 (Permit) to Magnolia

Green Development, L.L.C. The Permit was transferred twice, first to 6801 Woolridge Road – Moseley TRS, LLC on June 15, 2009, and again to WRMLP on October 23, 2013, by Change of Ownership Agreement Forms submitted to DEQ.

2. The Permit authorized the permanent impacts of 2.64 acres of forested wetlands, 0.02 acres of emergent wetlands, and 11,147 linear feet of stream channel. Additionally this project has been authorized to convert 2.39 acres of forested wetlands to emergent wetlands and temporarily impact 0.41 acres of forested wetlands and 1,065 linear feet of stream channel.
3. On October 21, 2015, WRMLP submitted to DEQ an “Overall Impacts Map” dated June 15, 2015, indicating impacts to surface waters that were not authorized by the Permit.
4. On November 6th and 9th, 2015, DEQ staff conducted site inspections which revealed that the authorized impacts that began between June 2005 and May 2006, and are complete. The following was observed during the inspections:
 - a) A review of the “Overall Impacts Map” dated June 15, 2015, indicates 408 linear feet of stream channel and 1,937 square feet of wetlands have been impacted by construction activities in Phase I and 2,115 linear feet of stream channel and 32,115 square feet of wetlands have been impacted by construction activities in Phase II. The location and extent of these impacts to surface waters were not authorized by the Permit.
 - b) The upland buffer preservation areas have been mowed and maintained at Impact Site Number L-1 on the left bank and between Impact Site Numbers H-4 and H-7. At Impact Site Number L-1, 3,000 square feet of buffer preservation has been mowed and maintained on the left bank of the stream relocation. Between Impact Site Numbers H-4 and H-7, 500 square feet of buffer preservation area has been mowed and maintained.
 - c) Impact Site Numbers H-3 and EPS-1 were diverting stream flow away from the natural stream channel and into newly installed modified DI-7 stormwater management facilities, resulting in additional stream bed impacts at each location. An additional 79 linear feet of stream bed impacts were taken at Impact Site Number H-3 and 115 linear feet of additional stream impacts were taken at Impact Site Number EPS-1.
 - d) Silt fence was damaged on the left side of lot adjacent to Impact Site Number H-8 where excess soil was pushed over silt fence. Additionally, erosion and sediment control measures were not installed at the upstream end of Impact Site Number H-3 to prevent excess sediment from entering stream channel and wetland area (wetland area approximately 50 square feet).
 - e) Between Impact Site Numbers L-2 and GC-25, 500 square foot area of forested wetland was converted to emergent wetland. Additionally, at Impact Site Number E-2, an estimated 50 square feet of emergent wetland fringe on the right bank of

stream channel directly below Impact Site Number E-2 was filled by riprap placed for outfall protection.

- f) From the start of construction to February 2016, 8,970 linear feet of stream impacts have been taken, requiring 10,682 USM stream credits as compensation. The Permittee has provided 5,773 USM stream credits through on-site stream restoration and relocation, and has purchased 4,842 USM stream credits from a mitigation bank. The mitigation bank purchase was not authorized as compensation by the permit; however the permittee has requested a corresponding permit modification. The required 10,710 linear feet of stream enhancement has not commenced. In addition, the compensation provided (10,615 USM stream credits) leaves 67 USM stream credits still outstanding.
5. On March 3, 2016, the Department issued NOV number 16-02-PRO-700 to WRMLP for the observed violations cited in Section C 4 above.
 6. On March 22, 2016, the Department met with WRMLP to discuss the violations cited in the NOV. The Department requested a formal written response to the violations for the record. During the meeting, the Department made it clear that future permit modifications must be made before start of construction and the impacting of wetlands and streams.
 7. On March 28, 2016, the Department conducted a site visit of the WRMLP to re-inspect the areas.
 8. On April 6, 2016, WRMLP submitted a formal written response to the citations listed in the NOV issued February 23, 2016. The following responses coincide with the observed violations described above:
 - a) WRMLP is actively pursuing a permit modification to reconcile additional and relocated impacts. WRMLP stated that the “Overall Impacts Map” referenced in section C.4.a above, was submitted as a draft for preliminary review until the modification was submitted. A new map titled “Impacts Map – Pre 2016” was submitted with the February 5, 2016, permit amendment request. WRMLP stated although the impacts shifted location, based on the new map cumulative wetland impacts were decreased in Phase I by 0.26 acres and in Phase II by 0.23 acres which is less than what was permitted.
 - b) WRMLP stated that the upland buffer preservation area at Impact Site Number L-1 on the left bank of the stream relocation reach was accidentally mowed by grounds crew and that the buffer preservation areas near Impact Site Numbers H-4 and H-7 were unintentionally mowed by the adjacent landowners. In order to return to compliance, WRMLP installed signs to deter future mowing, trained/educated the grounds crew and landowners, and planted woody stems to encourage tree growth.
 - c) WRMLP acknowledged the additional stream bed impacts. WRMLP stated the 79 linear feet of additional stream bed impacts at Impact Site Number H-3 are included in the “Impacts Map – Pre 2016” and that once the County approves the modified DI-7, base flows to the jurisdictional feature between ESP-1 and DI-7

will be reestablished. Compliance on these points will rest on the County's approval and the Permit modification request submitted February 5, 2016.

- d) As observed during the March 24, 2016 site visit, excess sediment or the remains of excess sediment was not observed in the area where the silt fence was located. The area was stabilized with sod and the silt fence had been removed. WRMLP is now compliant at Impact Site Numbers H-3 and H-8.
 - e) WRMLP acknowledged that the Impact Site Numbers L-2 and GC-25 were mowed, but no trees were removed from the area. Signs were installed to prevent future cutting. The rip-rap at Impact Site Number E-2 was also acknowledged and removed by WRMLP. These Impact Sites do not require further remedial work.
 - f) WRMLP acknowledged the facts in section C.4.f. and stated that the modification request submitted on February 5, 2016, included a proposed modification to purchase stream credits to fulfill a portion of WRMLP's required stream compensatory mitigation needs. In addition, WRMLP purchased the outstanding 67 stream credits.
9. On April 29, 2016, the County approved the proposed retrofit of the impact area EPS-1.
10. On June 8, 2016, the Department conducted a site visit of the WRMLP to review the constructed retrofit of the impact area EPS-1 with WRMLP's consultant.
11. On November 18, 2016, the Department conducted a site visit of the WRMLP to verify existing impact areas and review proposed impact areas in Phases I & II with WRMLP's consultant. The following was observed during this inspection:
- a. An estimated 30 linear feet of temporary stream crossing was observed at impact ETW-1.
 - b. An additional 72 linear feet of stream bed has been permanently impacted from the downstream limits of impact 2-02 to the downstream limits of impact SS-Y.
 - c. An additional 76 linear feet of stream bed has been permanently impacted at impact SS-U.
 - d. An additional 743 square feet of forested wetland has been temporarily impacted at impact X-12.
 - e. An additional 609 square feet of forested wetland has been permanently impacted at impact F-2.
 - f. An additional 56 linear feet of stream bed has been permanently impacted at newly created impact 2-22.
 - g. An additional 43 linear feet of stream bed has been permanently impacted at impact I-A.

- h. A reduction of impacts at impact H-8 was determined through use of GIS field resources provided by WRMLPs consultant from 3,233 square feet of permanent forested wetland impact to 2,424 square feet of permanent forested wetland impact. However, the square footage of H-8 that was reduced remains impacted as part of impact area 2-07 through the permanent conversion of an additional 778 square feet of forested wetland to emergent wetland at impact 2-07.
 - i. An additional 73 square feet of forested wetland have been permanently impacted at impact L-2.
- 12. The additional impacts described in Item 11, above, were not authorized by the Permit.
- 13. On January 20, 2017, WRMLP's consultant reported a sediment discharge into an estimated 1,053 square feet of forested wetland upstream of impact GC-19 due to a failure of erosion and sediment controls. On February 3, 2017 WRMLPs consultant provided additional information after the wetland area had been cleaned by hand and restored to native soils and contours. The erosion and sediment controls had been improved to prevent future sediment releases in this area.
- 14. On July 12, 2017, WRMLP's consultant reported a sediment discharge into an estimated 4,280 square feet of forested wetland in the forested wetland system located directly to the south of the Golf Course Clubhouse. This sediment discharge was a result of failing erosion and sediment controls at an adjacent sediment basin. The erosion and sediment controls have been improved to prevent future sediment releases in this area.
- 15. During review of WRMPL's Permit modification request, DEQ staff found that:
 - a. An additional 597 square feet of forested wetland and 25 linear feet of stream bed have been permanently impacted at impact L-4. These impacts were not authorized by the Permit.
 - b. The wetland mitigation credit purchase that was completed on June 25, 2013 for 3.2 wetland mitigation credits was completed at the James River Mitigation Land Bank in Goochland County, Virginia. Use of this bank was not authorized by the permit.
 - c. WRMLP did not submit proposed deed restriction language or a proposed plat of the compensation area for preservation. The Permit requires plat submittal within 60 days of completion of construction and planting, which occurred in the Spring of 2014 for the last constructed section. Plat submittal was therefore due no later than August 1, 2014.
- 16. Va. Code § 62.1-44.15:20(A) states "Except in compliance with an individual or general Virginia Water Protection Permit issued in accordance with this article, it shall be unlawful to: 1. Excavate in a wetland; 2. On or after October 1, 2001, conduct the following in a wetland: a. New activities to cause draining that significantly alters or degrades existing wetland acreage or function; b. Filling or dumping; c. Permanent flooding or impounding; or d. New activities that cause significant alteration or

degradation of existing wetland acreage or functions; or 3. Alter the physical, chemical, or biological properties of state waters and make them detrimental to the public health, animal or aquatic life, or to the uses of such waters for domestic or industrial consumption, or for recreation, or for other uses unless authorized by a certificate issued by the Board.”

17. 9 VAC 25-210-50(A) of the VWP Permit Regulations states that “Except in compliance with a VWP permit, no person shall dredge, fill or discharge any pollutant into, or adjacent to surface waters, withdraw surface water, otherwise alter the physical, chemical or biological properties of surface waters and make them detrimental to the public health, or to animal or aquatic life, or to the uses of such waters for domestic or industrial consumption, or for recreation, or for other uses; excavate in wetlands or on or after October 1, 2001, conduct the following activities in a wetland: 1. New activities to cause draining that significantly alters or degrades existing wetland acreage or functions; 2. Filling or dumping; 3. Permanent flooding or impounding; or 4. New activities that cause significant alteration or degradation of existing wetland acreage or functions.” that except in compliance with a permit no person shall dredge, fill or discharge any pollutant into or adjacent to surface waters, excavate in wetlands or on or after October 1, 2001, conduct the following activities in a wetland: filling or dumping.
18. The Cover Page of the Permit states: “Permanent impacts to stream channel will be compensated through the relocation of 718 linear feet of stream channel, the restoration of 4,947 linear feet of stream channel and the enhancement of 10,710 linear feet of stream channel of an unnamed tributary to Blackman Creek.... In accordance with the Unified Stream Methodology (USM), the compensation requirement for permitted stream impacts is 12,387 mitigation credits.”
19. Part I.J.1 of the Permit states that “The permittee shall provide on-site stream compensation through the relocation of 718 linear feet of stream channel, the restoration of 4,947 linear feet of stream channel and the enhancement of 10,710 linear feet of stream channel of an unnamed tributary to Blackman Creek. Stream mitigation is authorized as detailed in two separate conceptual compensatory mitigation plans; (1) “Magnolia Green – Phase I: Conceptual Stream Mitigation Map” and associated material, dated November 10, 2006 and revised September 4, 2007 and May 5, 2008 and (2) “Magnolia Green – Phase II: Conceptual Stream Mitigation Map” dated October 9, 2007 and received by DEQ on June 11, 2008. The compensation sites shall be preserved in perpetuity, as described in the final stream compensation plan and Part I.L.3.j. of these conditions.”
20. Part I.K.1 of the Permit states that “The permittee is responsible for meeting all of the components of the compensatory mitigation requirements associated with this permit. This responsibility can only be transferred if and when the permit is transferred to another party and then only to the new permit recipient.”
21. Part I.C.24 of the Permit states that “Erosion and sedimentation controls shall be designed in accordance with the Virginia Erosion and Sediment Control Handbook, Third Edition, 1992, or the most recent version in effect at the time of construction. These controls shall be placed prior to clearing and grading activities and shall be maintained in

good working order, to minimize impacts to surface waters. These controls shall remain in place only until clearing and grading activities cease and these areas have been stabilized.”

22. Part I.I.1 of the Permit states “The permittee shall provide compensation for wetland impacts through the purchase of 7.69 mitigation bank credits from the Chickahominy Environmental Bank located in Charles City County.”
23. Part I.K.5 of the Permit states that “The enhancement and restoration compensation site construction shall commence within 60 calendar days of site stabilization of Phase I and Phase II of Magnolia Green or by December 10, 2012, whichever occurs first...”
24. Part I.L.3.j of the Permit states that “Proposed deed restriction language for protecting the compensation site, including all surface waters and upland areas that are to be preserved in perpetuity within the compensation site boundary. Protection of the compensation site shall be documented as follows: (1) The protected areas shall be surveyed or platted within **60 calendar days** of completion of mitigation construction and planting. The final survey or plat shall be certified by a professional engineer or licensed land surveyor and shall be submitted to DEQ for review...”
25. Based on the October 21, 2015, “Overall Impacts Map” submitted by WRMLP, results of the November 6, 2015, November 9, 2015, and March 24, 2016 site inspections, review of the Permit file, and the March 22, 2016 meeting, the Board concludes that WRMLP has violated the Permit cover page, Permit conditions Part I.J.1, Part I.K.1, Part I.C.24, Part I.K.5, Part I.I.1, Part I.L.3.j, Va. Code § 62.1-44.15:20(A), and 9 VAC 25-210-50(A), as described in paragraphs C(2) through C(24), above.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§ 62.1-44.15, the Board orders WRMLP and WRMLP agrees to:

1. Perform the actions described in Appendix A of this Order; and
2. Pay a civil charge of \$56,062 within 30 days of the effective date of the Order in settlement of the violations cited in this Order.

Payment shall be made by check, certified check, money order or cashier’s check payable to the “Treasurer of Virginia,” and delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

WRMLP shall include its Federal Employer Identification Number (FEIN) with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF).

If the Department has to refer collection of moneys due under this Order to the Department of Law, WRMLP shall be liable for attorneys' fees of 30% of the amount outstanding.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of WRMLP for good cause shown by WRMLP, or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified in Section C of this Order. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Order.
3. For purposes of this Order and subsequent actions with respect to this Order only, WRMLP admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. WRMLP consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. WRMLP declares it has received fair and due process under the Administrative Process Act and the State Water Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to modify, rewrite, amend, or enforce this Order.
6. Failure by WRMLP to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. WRMLP shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. WRMLP shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. WRMLP shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:

- a. the reasons for the delay or noncompliance;
- b. the projected duration of any such delay or noncompliance;
- c. the measures taken and to be taken to prevent or minimize such delay or noncompliance;
and
- d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and WRMLP. Nevertheless, WRMLP agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until:
 - a. The Director or his designee terminates the Order after WRMLP has completed all of the requirements of the Order;
 - b. WRMLP petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
 - c. The Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to WRMLP.

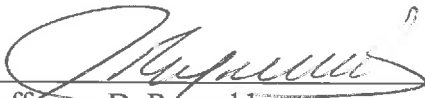
Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve WRMLP from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. Any plans, reports, schedules or specifications attached hereto or submitted by WRMLP and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
13. The undersigned representative of WRMLP certifies that he or she is a responsible official or officer authorized to enter into the terms and conditions of this Order and to execute and legally bind WRMLP to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official or officer of WRMLP

14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.

15. By its signature below, WRMLP voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 13 day of April, 2018.



Jefferson D. Reynolds,
Department of Environmental Quality
Enforcement Division Director

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6801 Woolridge Road – Moseley LP voluntarily agrees to the issuance of this Order.

Date: 1/29/2018 By: Thomas D. Page VICE-PRESIDENT
(Person) (Title)

~~Commonwealth of Virginia~~
STATE OF North Carolina

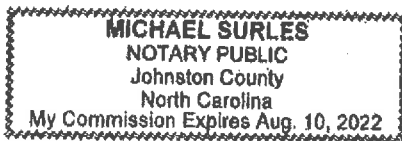
City/County of Wake

The foregoing document was signed and acknowledged before me this 29th day of

January, 2018, by Thomas Dixon Page who is

Vice President of, on behalf of the limited partnership.

Michael Surles
Notary Public



201715800151
Registration No.

My commission expires: August 10th 2022

Notary seal:

APPENDIX A SCHEDULE OF COMPLIANCE

6801 Woolridge Road – Moseley LP shall:

1. Within 15 days of the issuance of this Order submit to the Department a plan with success criteria for the on-site restoration of the golf course to complete the application for the modification of the Permit.
2. Proposed deed restriction language for protecting the compensation site, and plats of all surface waters and upland areas that are to be preserved in perpetuity within the compensation site boundary, shall be submitted to DEQ **no later than 30 days after the issuance of this Order**. Protection of the compensation site shall be documented as follows:
 - a. DEQ shall have **30 calendar days** to review the survey or plat to verify that the protected areas are the same as those presented in the final compensation plan. Comments or edits made by DEQ shall be incorporated into the final recorded documents.
 - b. The protective instrument shall use the most current Declaration of Restrictions template provided by DEQ and the U.S. Army Corps of Engineers, and shall be written so that no activity will be performed on the property in any area designated as a compensation site or non-impacted surface water, with the exception of maintenance or corrective action measures authorized by DEQ. Unless otherwise authorized by DEQ, the restrictions apply to ditching, land clearing, or the discharge of dredge or fill material. The protective instrument restrictions shall contain the phrase "ditching, land clearing, or discharge of dredge or fill material" in the limitations placed on the use of these areas.
 - c. The protective instrument shall be recorded in the chain-of-title to the property on which the compensation site exists. Proof of recordation shall be submitted to DEQ **no later than 90 days after the issuance of this Order**.

Documents to be submitted by this Order to the Department, other than the civil charge payment described in Section D, shall be sent to: Frank Lupini, VA DEQ –Enforcement Division, 629 East Main Street, Richmond, Virginia 23219 or by e-mail to Frank.Lupini@deq.virginia.gov